



**DEPARTMENT OF
COMMUNITY DEVELOPMENT
LONG RANGE PLANNING**

STAFF REPORT

TO: Clark County Board of Commissioners

FROM: Pat Lee, Long Range Planning Manager

DATE: December 1, 2004

SUBJECT: Mixed Use Zoning District Code Change

INTRODUCTION

Attached for your review and consideration is a much amended version of the existing Mixed Use zoning district.

During the Clark County Comprehensive Growth Management Plan update both the Planning Commission and Board of Commissioners conducted hearings regarding this district. Based on testimony at those hearings, the board decided that further refinement of the mixed use code was needed. In September, the board appointed an 8 member advisory committee to a short-term work program. There was general consensus among the mixed use committee that a better code could be developed if more effort and time were put into the project. As a result, the board asked the committee to make changes to the mixed use code that would allow the code to be more responsive to market needs. In addition, submit a well thought out work program to further develop mixed use development standards that were tailored to Clark County and supported by modifications to the mixed use code.

The committee has signed off on the short-term changes to the code and presented their recommendations to the Planning Commission on November 18, 2004. In addition, the committee has developed an unfunded work program that would take a comprehensive look at establishing different categories of mixed use developments and identify related standards.

BACKGROUND

Mixed Use 40.230.020 Clark County has had a Mixed Use District ordinance since 1994 when it was adopted as part of the Comprehensive Plan. However, at the time of adoption of the Comprehensive Plan, areas were identified for potential mixed use but very little property was zoned Mixed Use (MX). Instead, other zones such as commercial, residential, etc. were applied under the Mixed Use (MU) Comprehensive Plan designation. The recently adopted Comprehensive Plan changed the allowed zones under the MU Comprehensive Plan designation to only allow a MX zone. Exhibit F shows the attached

revision of Table 1.4 Urban Plan Designation to Zone Consistency Chart in Chapter 1: Land Use of the Clark County Comprehensive Plan 2003-2023.

Existing MX Zone Standards: The adopted MX zone has had the following features since 1994:

1. A rezone approval request to MX was required if the Plan Map designation was Mixed Use;
2. A requirement of at least 30% residential or commercial development, with a maximum of 70% of either type of use in a development, which may be vertical or horizontal mixed use projects;
3. Master planning requirement for non-residential sites over 5 acres with 2 or more building pads totaling 150,000 square feet or more in gross floor area;
4. Site design and some building design requirements;
5. Reduced and maximum setbacks, maximum parking requirements;
6. Exemption from mixing uses on lots of 5,000 square feet or less;
7. Pedestrian circulation and connectivity standards; and
8. Incentives, mostly in the form of TIF reductions.

Proposed Changes to the MX Zone CCC40.230.020 (Exhibit A): The Planning Commission supports the significant changes to the current mixed use zone with a few minor changes (shaded areas on Exhibit A). Since little or no development has occurred under the existing zone, it was administratively easier to simply replace it with the new one.

1. Establishes that two uses are required, and a minimum of 20% of the “net acres” must be developed with one of two or more uses.
2. Defines “net acre” to exclude steep slopes and environmentally sensitive land. (PC recommends the definition of net acre to exclude public right-of-way and road easements.)
3. Provides incentives for smaller lots to participate in a larger mixed use project by requiring the same development procedure and standards for all development proposals, regardless of size.
4. Does not allow new detached housing. Without clear design guidelines, detached housing was viewed as generally incompatible with what mixed use is trying to achieve.
5. Establishes a maximum size of food, general retail and building material stores that are smaller than in commercial zones.
6. Eliminates size limitations for offices and adds medical and dental offices to encourage offices in mixed use areas.
7. Provides for a Type III site plan review process instead of a Type III Master planning requirement. The effect of this change is expected to be minimal. Additional site plan review would not be required unless subsequent proposed development is not in conformance with the original site plan.
8. Limits drive-through businesses to developments larger than 10 acres in an effort to minimize the strip commercial nature of smaller mixed use developments. (PC recommends adding pharmaceutical and dry cleaning drive-through business for developments less than 10 acres.)

9. Maintains a maximum parking space standard of 125%. This may reduce the size of parking lots in some cases although parking may still occupy a substantial portion of the site. (PC recommends that grand floor parking structures shall incorporate retail uses.)
10. Building orientation is encouraged to be oriented to pedestrian access from the main street and internally linked.
11. Transportation Impact Fee credits is provided as an incentive.
12. The adoption ordinance contains a sunset clause. (PC and committee recommended) (Exhibit G)
13. An adoption ordinance which contains the Boards intent to pursue a Step 2 process that repeals the interim mixed use ordinance at the same time a new one is adopted. (Exhibit H)
14. In addition, minor tweaks to CCC40.500.010 Summary of Development Approvals by Review Type adds Type III site plan review (Exhibit B) and CCC40.510.050 Application Submittal Requirements adds mixed use district (Exhibit C).

RECOMMENDATION

1. The Planning Commission and the mixed use advisory committee recommend that the mixed use code CCC40.230.020 (Exhibit A) be adopted as an interim measure pending the adoption of a mixed use code that better reflects community values and responds more effectively to the property characteristics of those areas now designated for such uses.
2. They further recommend that the minor tweaks to CCC 40.500.010 (Exhibit B) and CCC40.510.050 (Exhibit C) be adopted.
3. In addition, both the Planning Commission and the mixed use advisory committee recommend that the unfunded work program (Exhibit D) and proposed budget (Exhibit E) be considered for funding in FY2005.

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